THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT APPEAL NO.509 OF 2007

Dated 21-06-2007

Between:

JC-219552 M Subedar Major
Pradeep P.LK. …Appellant

and

The Union of India through
The Secretary Ministry of Defence
and two others …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT APPEAL NO.509 OF 2007

J U D G M E N T ***(Per the Hon'ble Sri Justice Bilal Nazki)***

Heard learned counsel for the parties.

This writ appeal is filed against an order, dated 01-05-2007, passed by the learned Single Judge in WVMP No.904 of 2007 in W.P.No.3894 of 2007 vacating the status quo.

The case of the appellant/writ petitioner is that he was entitled to be retained in service till he attains the age of 54 years, whereas the case of the respondents was that the appellant was liable to be superannuated if he had completed four years of service as Subedar Major. As he had completed four years as Subedar Major, therefore, he was retired.

Admittedly, the appellant has retired with effect from 30-04-2007. Therefore, it may not serve any purpose to entertain this writ appeal at this stage, although the learned counsel for the appellant submits that there was a stay order in place on the day on which the appellant shown to have been superannuated. We feel that it would be in the interest of justice if the writ petition of the appellant is heard at the earliest. Counters have already been filed in the writ petition. Therefore, let the *writ petition be listed after ten days* before an appropriate Bench for hearing.

The writ appeal is accordingly disposed of. No order as to costs.

_____

(Bilal Nazki, J)

Dated 21st June, 2007

_____

(S.Ananda Reddy, J)

vrn